

**MINUTES OF MARION CITY COUNCIL**  
**SPECIAL MEETING 6:00 P.M.**  
**REGULAR MEETING 6:30 P.M.**  
**COUNCIL CHAMBERS AT CITY HALL**  
**TUESDAY, APRIL 10, 2012**

A special meeting was held by City Council on April 10, 2012 at 6:00 p.m. over which Mayor Rodney Berry presided. Council members Ronald Atkinson, Ralph Atkinson, Betsy Atkinson, Odessa Gregg, Bobby L. Davis and Michael Baker were present. Also present were Mr. Alan Ammons, Mrs. Patricia Brown, Ms. Pam Jones, and Attorney Robert Lee.

Mayor Berry called the meeting to order.

**EXECUTIVE SESSION**

Councilwoman Betsy Atkinson made a motion to enter Executive Session to discuss a possible legal issue regarding the Marion County landfill, seconded by Mayor Pro-Tem Ronald Atkinson; motion carried.

After returning from Executive Session, Mayor Berry stated that no action was taken and entertained a motion from Councilman Ralph Atkinson to go into Open Session, seconded by Councilwoman Atkinson; motion carried and regular meeting began.

Councilwoman Gregg gave the opening prayer and Mr. Ammons led the Pledge of Allegiance. Mayor Berry welcomed all guests and the press (Hometown TV)

Councilman Ralph Atkinson made a motion to accept the minutes from the regular meeting on March 13, 2012 and the special meeting on March 21, 2012, with the replacement of page 3 from the special meeting, seconded by Councilwoman Atkinson. Councilwoman Gregg commented that on page 3, regarding sensitivity training, thinks we were promised in our last meeting that this would be addressed. Mayor Berry responded that it was not on the Agenda to be discussed and Councilwoman Gregg would need to request that it be placed on the Agenda and that she lead the discussion. Motion carried.

Mayor Pro-Tem Atkinson made a motion to present a Resolution to Jamal Woodberry, Boys & Girls Club Youth of the Year, seconded by Councilwoman Atkinson; motion carried. The Resolution will be presented at the Council meeting on May 8, 2012.

City Clerk Pam Jones read the *Denim Day Marion County* Proclamation, which supports raising awareness of sexual assault and sexual violence. Each year the 3<sup>rd</sup> Wednesday in April has been proclaimed as *Denim Day Marion County*. This proclamation was brought to fruition by Rev. Marvin Hemingway (South Carolina Woman to Woman Conference Founder/CEO), Teresa Sims (Sexual Assault Outreach Advocate), and

Laura Mooneyham (Marion County Coordinator for Pee Dee Coalition). The City of Marion is a co-sponsor of this effort.

Councilman Bobby Davis made a motion to re-appoint Rocki Flowers and Faye Hayes to the Housing Authority Committee – term to expire Mary 2017, seconded by Councilman Ralph Atkinson; motion carried.

Isaac Black, Marion County Branch President of the Marion County NAACP addressed the Mayor, Council and all those in attendance regarding the mission statement of the NAACP, which is to educate and empower all citizens. Mr. Black commented on the division in the United States, in South Carolina, in Marion County and in the City of Marion and Mullins that falls through racial lines, the haves and the have-nots and between those that know and those that do not know. Citizens are concerned about the divisiveness, the outbursts of disrespect, whether the people they have elected can be trusted. Although not asking for answers at this time, Mr. Black brought up questions that he has been asked. How can one person be the Mayor of a City and the Economic Development Chair of a County? Both jobs are important and both need a full time person at the helm. How is it that members of one particular family can serve on the same City Council and be fair and balanced about the decisions he or she makes? How is it that after years of Bobby Gerald being Mayor and with some of the things that he's been alleged to do, some of the contention that this Council had while he was serving, that he was still able to garnish respect from his fellow Council members? Bobby Gerald was a man that never followed behind anybody; he was in nobody's back pocket. Why is it that we see such divisiveness and disrespect on this Council? Mr. Black commented that he had heard a lot of things, but he has to see things for himself and has been to several Council meetings here and there and has actually witnessed the divisiveness and disrespect and it troubles him. At the 7 minute buzzer, Mayor Berry thanked Mr. Black for his time. Mr. Black then proceeded to pass out voter registration forms and encouraged citizens to vote, stating that "this was the most important election year that we will ever come across". Mr. Black told them they have the power to make a difference right here in Marion County.

On the 2<sup>nd</sup> Reading of Ordinance 12-03 –*An Ordinance to Approve a Temporary Moratorium in Regard to Simulated Gambling Devices*, Mayor Pro-Tem made a motion to approve, seconded by Councilman Ralph Atkinson; motion carried.

On the 2<sup>nd</sup> Reading of Ordinance 12-02 – *An Ordinance Amending the Code of Ordinance, Chapter 5, Article A: General Provisions, Section 1-5006: Authorization of Expenditures, Approval of Bills*, Councilman Ralph Atkinson made a motion to approve, seconded by Councilwoman Betsy Atkinson; motion carried by a 4-3 vote. Mayor Berry, Mayor Pro-Tem Atkinson, Councilman Atkinson, Councilwoman Atkinson voted **yes**; Councilman Davis, Councilman Baker, Councilwoman Gregg voted **no**. Mayor Berry passed out a letter from the State Ethics Commission stating their opinion that Mayor Berry was allowed to vote on this Ordinance change as this Ordinance codifies a process and not the payment of a specific invoice.

Regarding the Audit Proposal, Mr. Ammons stated that our agreement is now out and they (Kenneth Cobb & Co.) have sent a proposal for the next three years. Councilman Baker inquired as to whether Mr. Ammons had checked with MASC on getting one proposal rather than bidding it out, to which Mr. Ammons responded that he had not. Councilman Baker shared what MASC had to offer; i.e. we can accept one proposal, but it is recommended by them to actually change auditors so a fresh set of eyes can look at the paperwork, go over those accounts. After some discussion regarding past practice of bidding out the audit/auditing firm, Mr. Ammons suggested two options; we can do RFP and can take proposals from anyone who would like to give us a proposal and bring it before Council, the other is to accept the proposal from Kenneth Cobb. Councilman Baker made a motion to do the bid process, like we've done in the past, seconded by Councilman Davis; motion carried.

### **ADMINISTRATOR'S REPORT**

The Capital Sales Tax projects have been submitted and within the next 30 days the Commission will finalize and send them to County Council for their approval. At that time, we will know which projects they picked for us.

Due to concerns regarding the hardwood floor at the AC Tollison gym, Frank Page and Billy Thompson have asked that the building not be used/rented (except for sporting events) until we can get a cover for the floor. Per, Frank, the price of a cover is in the \$2,000 to \$3,000 range. Councilman Ralph Atkinson made a motion to suspend rental of the AC Tollison gym until July 1, the new budget year, and hopefully the Mayor could include the expense of the cover in the budget. Councilman Baker seconded; motion carried.

Mr. Ammons reminded everyone about the Great American Cleanup on Saturday, April 14. Ronnie and Winky will have their crew ready to go at 8:00 a.m. Bags are available and anything that is left by the street will be picked up.

Mr. Ammons reminded everyone that the Marion County Relay for Life would take place April 13 & 14 at Withlacoochee Park.

Mr. Ammons stated that one of Mr. Sanders' lawnmowers that is 10-12 years old and has been patched numerous times, has gone down. He proposes that in the line item on the box truck budget, instead of purchasing the box truck at this time, we purchase a lawnmower for Mr. Sanders, as they are getting behind. The two quotes on state contract are: a 2010 model for \$8,078.96 plus tax and a 2011 model for \$8,645.35 plus tax. Councilman Davis made a motion to allow transfer of funds from Hospitality Taxes to purchase the 2011 lawnmower, seconded by Mayor Pro-Tem Atkinson; motion carried.

Regarding the Community Gardens, Mr. Ammons commented that all the plantings are well underway and we have flyers to go out into the community. Councilman Baker commented that we need volunteers and organizations to help. Please call Pam at City Hall to get groups organized so that no one will be out there by themselves.

Councilman Baker asked if we tabled the bush hog and put that in next year's budget. Mr. Ammons commented that we did, but he and Patricia will look at the Capital Items Budget as there may be enough left in there so that we can still arrange that. Until we clarify some of the issues with the landfill, there's no use in buying a tractor to pull the trailer. If Council desires, Mr. Ammons will put that on the Agenda to discuss at next month's meeting. Councilman Baker commented yes, that was a definite need.

Councilman Davis inquired as to whether we had enough flyers printed to give to the churches. Mr. Ammons responded that he would get Pam to print them and give Dennis a list of churches to deliver them on Thursday and Friday. Councilman Atkinson asked that the flyers not be done in color.

Councilman Davis asked for the status on the seesaw (for Grice's). Mr. Ammons responded that it had been ordered should be here and installed any day.

Councilman Davis asked that Mr. Ammons pass on to Mr. Sanders that he personally appreciates what he is doing to help the community. He is working at the gardens after duty hours and should be commended for that.

Eric Jones of the Street Department was named March Employee of the Month and presented with a gift certificate.

#### **CITY ATTORNEY'S LEGAL UPDATE**

Attorney Robert Lee commented that the City and County are moving forward to resolving the landfill issue amicably and anticipates its will be resolved in the next month or two.

#### **DEPARTMENTAL REPORTS**

Mayor Berry stated that the departmental reports were in Council's packets. Chuck Wiegert reminded everyone that the Farmer's Market opens on Saturday, April 14 at a new location downtown. Also, on May 5<sup>th</sup> there will be a Community Yard Sale in the parking lot behind Baxley's Hardware. Mayor Berry commended Chuck on the good job being done with the Farmer's Market.

## **ACCOUNTABILITY OF CITY OFFICIALS/COMMENTS FROM CITY COUNCIL & MAYOR**

Councilwoman Gregg commented that she had been approached by a citizen who owns land in Marion County and his concern is regarding the flags flying on Main Street, who authorized them and what did they mean. Councilwoman Gregg told him she could not answer his questions, but would get an answer for him. Councilwoman Gregg stated that his comment to her was that he knew what they meant and he was not ever going to come back to Marion to do business. Councilwoman Gregg wants to pass that on so others could see how some people in the County feel about what's going on. Councilwoman Gregg commented that she was told by a citizen that there were some things going on in Marion that he was proud of and some he was not. Councilwoman Gregg quoted him as saying, "I don't understand when people come to my side of town and ask for our votes, but yet we don't see anything that benefits us when we see TV, when we read the paper or when we come to meetings." Councilwoman Gregg told him this would be addressed and says to all elected officials, "Be careful how you don't address issues that people have, because it might come back to haunt us when they say we don't see what you're doing to benefit my side of town. That speaks clearly enough about what he means". At the last meeting Councilwoman Gregg talked about the first Afro-American on the Council and had the privilege of talking with him one day. He told her that back then the Mayor and Council always asked about his needs and the needs then were the same as now; jobs. These are some of the issues that have been addressed to Councilwoman Gregg and she felt it wouldn't be fair not to let Council know what the people are saying. They are watching what is going on on TV, reading the newspaper, so understand that when you go back to these people they're going to want to know what you did to merit their vote.

Councilwoman Betsy Atkinson had no comment at this time.

Councilman Ralph Atkinson had no comment at this time.

Councilman Bobby Davis commented that he was proud that the City was again sponsoring the Community Gardens. It is a benefit to our citizens and we are asking them to help us a little more than last year. Please contact Pam Jones at City Hall, or any Council member and we will pass along your information and add you to the list so that we will have more people working this year. Councilman Davis stated that approximately 6 or 7 years ago he asked Mayor Gerald if the Police Department could monitor the street lights and asked if they were still doing that. Mr. Ammons responded they were, and we have a form the Police Department turns in periodically so that Progress Energy can be notified. Councilman Davis also encouraged citizens to call in the pole number of any street light that is out to Mr. Ammons or the clerk so that it can be taken care of quickly.

Mayor Pro-Tem Atkinson had no comment at this time.

Councilman Michael Baker commented that in the Community Gardens this year we are trying to get water to the areas so that we can provide a variety of vegetables this time; including tomatoes, bell peppers,

and cucumbers, in addition to vegetables that were offered last year. Councilman Baker asked if Mr. Ammons would ride with him one night see where the problems were with lights being out, to which Mr. Ammons agreed.

Mayor Berry spoke about the Governor's visit to Marion County where she spoke to a mix of Marion county leaders of her choosing. She is planning a Marion County Day which will include a Health Fair and a Job Fair, along with buses to pick up residents at designated locations. Many leaders in the area are involved in making that happen and there will be more details to follow. Mayor Berry is grateful for that initiative. Mayor Berry commented that this is more of a County business, but he heard it addressed here and we have been stuffing the pipeline of economic development for 3 years and one thing that just popped out of the pipeline happened yesterday. We have a speculative building and it will probably be the finest spec building in the state at zero cost to Marion County. Pee Dee Electric is building this for us through a subsidiary called Pee Dee Electricom and should be completed in about 4 months. The Deputy Secretary came and they have given us their full support on this effort. Mayor Berry stated that baseball's "Opening Day" will be this Saturday at the Green Street Complex and asked that everyone join us.

Mayor Berry commented that at the Opera House the parking lines are all but gone, and thinks its time to repaint them. He also stated that he is a member of Marion Baptist Church and wants to also paint lines in the church parking lot as they let us unselfishly use the parking lot every time we have an event there, without asking us for anything in return. Mayor Berry made a motion to paint the entire parking lot for a cost of approximately \$250, seconded by Councilwoman Atkinson; motion carried. Mayor Berry is certain the Baptist Church will appreciate it.

Mayor Berry stated that there was a C-Fund meeting next Wednesday; that is when Marion, Mullins, the County, Sellers and Nichols all go to vie for funds for sidewalks and various paving projects. City Council will meet Tuesday morning at 8:30 a.m. to discuss what projects to present to DOT.

### **PUBLIC COMMENTS**

Mr. Joe Frazier spoke regarding the Special Meeting on April 17 and asked why the public had not been notified of the meeting. Mr. Frazier stated that he was offended at being verbally attacked by Mayor Pro-Tem Atkinson and that he has the right to express his opinions. Mr. Frazier again spoke about the flags on Main Street and his thought that they were "Tea Party" flags and should not be allowed as they are very divisive.

### **ADJOURNMENT**

Councilman Ralph Atkinson asked to make a comment before adjourning. He stated that the flag was put up because of the *General Francis Marion Days*. This flag wasn't brought up about the current "Tea Party"; this has to do celebrating the Revolution where we, the United States, and Francis Marion, a true militia man and patriot, and our forefathers formed a new Country. Councilman Atkinson stated, "This flag has nothing to do with the current "Tea Party", and to insinuate that it did; I have freedom of speech and I disagree

with you.” Mayor Berry commented that the City did not buy the flags; they were flown by a group who participates in *General Francis Marion Days*. Mayor Berry further commented that he was not a “Tea Party” activist and does not believe in their mission whatsoever. When Mr. Frazier tried to interrupt the Mayor, a motion to adjourn was made by Mayor Pro-Tem Atkinson, seconded by Councilman Ralph Atkinson; motion carried.

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Mayor Rodney Berry

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City Clerk Pam Jones

Taped April 10, 2012